

REMARKS

Applicant requests entry and consideration of the amendment and remarks submitted herein. Applicant traverses all objections, rejections and assertions made by the Examiner.

Applicant has amended the independent claims to further clarify the claimed invention. The pending claims recite that the polymeric insert or tie layer has a length substantially equal to or about the same length as the distal or proximal waist length. Support for this amendment is found at least at page 12, line 23 to page 12, line 5 and at Figure 3. Thus, Applicant asserts that no new matter has been entered herein.

Claims 1 to 22 are currently pending in this application.

Objection to the Specification

The Examiner objected to the specification at page 7, line 16 as the “distal balloon waist” was referred to as reference numeral 34 instead of reference numeral 32. Applicant has amended the specification at page 7, line 16 to correct this typo. Reference numeral 34 represents a first tie layer as described at least at page 11, line 21 to page 12, line 15, for example. Withdrawal of the objection is respectfully requested.

Rejections under 35 U.S.C. § 102(b)

Claims 1-4, 7, 8, 11-14, 16, 17 and 22 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. 5,499,973 (Saab). The Examiner asserts that Saab teaches the balloon catheter assembly as claimed. The Examiner further asserts that Saab teaches a product that appear the same as, or an obvious variant of, the product set forth in a product-by-process claim although produced by a different process. Applicant disagrees.

Saab is directed to balloon catheters that include stiffening bands 30, 32 and 34 that run

substantially the entire length of the catheter. At column 6, lines 13-21, Saab states that the stiffening "band 30, runs substantially from the proximal end of member 14 to the point where the distal end of balloon element 16 is sealed to member 14." Saab further states that the special advantages of this embodiment will be discussed hereinafter. Saab further states at column 6, lines 18-21 that "it may be desirable for band 30 to extend all the way to the distal end of member 14." It is clear that Saab is directed to stiffening substantially the entire length of the shaft 14 with bands 30, 32 and 34.

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In contrast, the claims now recite that the polymeric insert or tie layer has a length substantially equal to or about the same length as the distal or proximal waist length. The claimed polymeric insert or tie layer short length is not disclosed or suggested by Saab. Withdrawal of the objection is respectfully requested.

Rejections under 35 U.S.C. § 103(a)

Claims 5, 6, 9, 10, 12, 13, 15 and 18-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Saab as applied to claims 1, 4, 11 and 17, and further in view of U.S. 6,465,067 (Wang et al.). The Examiner asserts that Wang et al., teach balloons made from high or low PET as claimed. The Examiner further asserts that it would have been obvious to have duplicated the polymeric layer for multiple effect and that one would have used high or low PET due to strength. Applicant disagrees.

Wang et al., fail to remedy the deficiencies of Saab for failing to disclose or suggest a polymeric insert or a tie layer length substantially equal to or about the same length as the distal or proximal waist length. Withdrawal of the rejection is respectfully requested.

In view of the above, it is respectfully submitted that claims 1 to 22 are patentable over the cited references. Favorable reconsideration is requested.

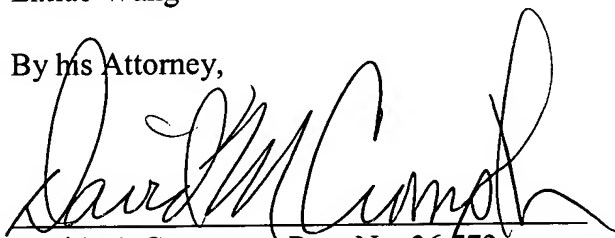
CONCLUSION

In view of the above, Applicant respectfully requests withdrawal of the rejections and allowance of the claims. Prompt passage to issue is earnestly solicited. Should the Examiner feel a telephone interview would be helpful in advancing this case to allowance, Applicant invites the Examiner to contact his representative at the number listed below.

Respectfully submitted,

Lixiao Wang

By his Attorney,



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